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**IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE**

**In The Matter of Patent Application:**

Applicants : AWEYA, James, et al  
Serial No. : 10/633,459  
Filing Date : August 1, 2003  
Title : RATE-BASED MULTI-LEVEL ACTIVE QUEUE MANAGEMENT WITH  
DROP PRECEDENCE DIFFERENTIATION  
Examiner : Kan Yuen  
Art Unit: : 2616

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To: The Assistant Commissioner for Patents,  
The U.S. Department of Commerce,  
Patent Office,  
Washington, D.C., U.S.A., 20231

Dear Sir:

These remarks are submitted in response to the Office Action dated August 29, 2007, a response to which is due by November 29, 2007. In the Office Action, claims 1, 3-9, and 11-17 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims in co-pending Application No. 10/426,289. The co-pending application is commonly owned with the present application by Nortel Networks Limited. Accordingly, the Applicants submit herewith a Terminal Disclaimer on Form PTO/SB/25 to obviate the provisional double patenting rejection.

In view of the filing of the Terminal Disclaimer, the Applicants respectfully submit